

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ARRELLO BARNES,

Plaintiff,

-v.-

9:04-CV-0391
(FJS)(DEP)

THOMAS RICKS, Ex-Superintendent; ROY GIRDICH,
Superintendent, Upstate Correctional Facility; SERGEANT
ZERNIACK; W. BROWN, Guard, Upstate Correctional
Facility; M. RILEY, Guard, Upstate Correctional
Facility; J. MCGAW, Guard, Upstate Correctional
Facility; SCHULE, Guard, Upstate Correctional Facility,

Defendants.

APPEARANCES:

OF COUNSEL:

ARRELLO BARNES

Plaintiff, *pro se*

00-A-0579

Elmira Correctional Facility

P.O. Box 500

Elmira, New York 14902

HON. ELIOT SPITZER

Attorney General of the State of New York

Attorney for the Represented Defendants

The Capitol

Albany, New York 12224

ROGER W. KINSEY, ESQ.

DAVID E. PEEBLES, U.S. MAGISTRATE JUDGE

ORDER

Presently before the Court is a letter from William M. Gonzalez, Esq., Deputy Counsel for the New York State Department of Correctional Services ("DOCS"). (Docket No. 42). This letter was submitted to the Court in response to an inquiry to

DOCS regarding a service address for defendants Thomas Ricks and Roy Girdich.

The letter from Mr. Gonzalez advises the Court that defendants Ricks and Girdich "have each designated Counsel's Office as an agent for the service of process ..." in this action. Accordingly, as plaintiff was previously granted *in forma pauperis* status, the United States Marshals are hereby ordered to serve a summons, complaint and a copy of this Order on Anthony J. Annucci, Deputy Commissioner and Counsel, at the address listed on Mr. Gonzalez' November 24, 2004 letter.

WHEREFORE, it is hereby

ORDERED, that the Clerk shall complete USM-285 forms for service on Anthony J. Annucci, as the agent for service of process for defendants Thomas Ricks and Roy Girdich, at the address listed in Mr. Gonzalez' November 24, 2004 letter (Dkt. No. 42), and it is further

ORDERED, that the Clerk shall issue summonses and forward them, along with copies of the amended complaint (Dkt. No. 22) and the completed USM-285 forms, to the United States Marshal for service upon Anthony J. Annucci Esq., Deputy Commissioner and Counsel for the Department of Correctional Services, as the agent for service of process for defendants Ricks and Girdich, together with a copy of this Order, and it is further

ORDERED, that a formal response to plaintiff's amended complaint be filed by the defendants or their counsel as provided for in the Federal Rules of Civil Procedure subsequent to service of process on the defendants, and it is further

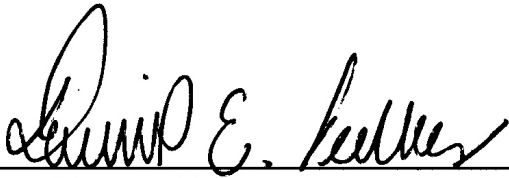
ORDERED, that all pleadings, motions and other documents relating to this action shall be filed with the Clerk of the United States District Court, Northern District

of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the Court or the Clerk shall be accompanied by a certificate setting forth the date a true and correct copy of it was mailed to all opposing parties or their counsel. Any letter or other document received by the Clerk or the Court which does not include a certificate of service which clearly states that an identical copy was served upon all opposing parties or their attorneys is to be returned without processing.** Plaintiff shall also comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. Motions must comply with Local Rule 7.1 of the Northern District of New York and are to be made returnable before the assigned Magistrate Judge on any business day with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the Clerk's Office of any change in his address; his failure to do so will result in the dismissal of this action.** All motions will be decided on submitted papers, without oral argument, unless otherwise ordered by this Court, and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties or their counsel and William M. Gonzalez, Esq.

IT IS SO ORDERED.

Dated: June 21, 2005
Syracuse, New York


David E. Peebles
U.S. Magistrate Judge